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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Philip Steven Newton

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EXAMINER

TEKLE, DANIEL T

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,296	Applicant(s) NEWTON ET AL.	
	Examiner DANIEL TEKLE	Art Unit 2481	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

35 U.S.C. 112, sixth paragraph

MPEP 2181 discloses that a claim limitation will be presumed to invoke 35 U.S.C. 112, sixth paragraph if it meets the following 3-prong analysis: (A) the claim limitations must use the phrase "means for" or "step for;" (B) the "means for" or "step for" must be modified by functional language; (C) the phrase "means for" or "step for" must not be modified by sufficient structure, material, or acts for achieving the specific function.

Regarding Claim 1: The means plus function language used in claim 1 indicates that applicant intends to invoke 35 U.S.C. 112 paragraph six. Where means plus function language is used, claim limitations are interpreted to read on only the corresponding structure disclosed in the specification and equivalents thereof. The disclosed structure used for the "means for receiving a source signal " consider to read on (Receiver 201 of Figure 2 of Applicant's Application as indicated in [page 7 lines 28]); "means for generating a recording signal from the source signal" consider to read on (Recording controller 203 of Figure 2 of Applicant's Specification as indicated in [page 7 line 33-34 and page 8 lines 9-10]); "means for generating second time information for the recording signal" consider to read on (time processor 209 of Figure 2 of Applicant's specification as indicated in [page 9 lines 20-23]); "means for storing the recording signal" consider to read on (storage medium 205 of Figure 2 of Applicant's specification as indicated in [page 8 lines 1-2]).

The prior art element is a structural equivalent of the corresponding element disclosed in the specification. That is, the prior art element performs the function specified in the claim in substantially the same manner as the function is performed by the corresponding element described in the specification. Therefore, the prior art element is an equivalent.

Regarding Claim 5-6 and 10: See the similar mean plus function discussed to claim 1 as discussed above.

Regarding Claim 8: The means plus function language used in claim 8 indicates that applicant intends to invoke 35 U.S.C. 112 paragraph six. Where means plus function language is used, claim limitations are interpreted to read on only the corresponding structure disclosed in the specification and equivalents thereof. The disclosed structure used for the "means for extracting the event descriptors " consider to read on (source signal 101 of Figure 1 of Applicant's Application as indicated in [page 12 line 19]);

The prior art element is a structural equivalent of the corresponding element disclosed in the specification. That is, the prior art element performs the function specified in the claim in substantially the same manner as the function is performed by the corresponding element described in the specification. Therefore, the prior art element is an equivalent.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based upon consideration of all of the relevant factors with respect to the claim as a whole 13 is held to claim an abstract idea, and is therefore rejected as ineligible subject matter under U.S.C. 101. The rationale for this finding is: For example, (1) a method of recording comprising the steps of: receiving a source

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signal, generating a recording signal, generating second time information, steps are each of sufficient breadth that each would be reasonably interpreted as a series of steps completely performed mentally, verbally or without a machine. While said claim discloses a "recording ... on a storage medium" it is noted that said step is considered insignificant extra-solution activity as said activity is not central to the purpose of the method.

Response to Arguments

Applicant's arguments with respect to claim 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-10, 13 and 15 rejected under 35 U.S.C. 102(e) as being anticipated by Frimout (US 2003/0014690).

Regarding Claim 1: Frimout discloses an apparatus for recording comprising: means for receiving a source signal having associated first play time information (**paragraph 0023: The volatile memory 14 is connected to an I/O interface 15 for inputting and outputting recording data and reproduced data, respectively**); means for generating a recording signal from the source signal (**paragraph 0023: The volatile**

memory 14 is connected to an I/O interface 15 for inputting and outputting recording data and reproduced data, respectively); the recording signal comprising at least a portion of the source signal including a recording discontinuity with respect to the source signal **(paragraph 0035: If it is detected in step S202 that the recording flag is still set, an interruption of the recording due to a power failure is assumed and the title set pointer 122 and the recovery sector pointer 123 are read from the NVRAM 12 by the recovery control section 13);** means for generating second time information for the recording signal in response to the first play time information and the recording discontinuity **(paragraph 0035: the position of the last recovery sector before the power failure can be derived from the pointer information stored in the NVRAM 12);** storage means for storing the recording signal together with the second time information **(paragraph 0035: the recovery control section 13 controls the disc drive unit 11 so as to reproduce the respective recovery sector indicated by the pointer information and loads the recovery sector into the volatile memory 14).**

Regarding Claim 2: Swenson et al. discloses apparatus for recording as claimed in claim 1 wherein the second time information comprises markers indicating events in the recording signal **(paragraph 0035: the position of the last recovery sector before the power failure can be derived from the pointer information stored in the NVRAM 12).**

Regarding Claim 3: Frimout discloses apparatus for recording as claimed in claim 2, wherein the second time information comprises a play list comprising the markers

(paragraph 0027: The video cells C1 to Cn are multiplexed with corresponding recovery sectors R1 to Rn and corresponding pointers P2 to Pn).

Regarding Claim 4: Frimout discloses apparatus for recording as claimed in claim 1, wherein the second time information comprises event descriptors **(paragraph 0039: Assuming a cell duration of one minute and a recovery duration of 0.5 to 1 seconds for each cell, a recording of two hours will take 60 to 120 seconds to be recovered).**

Regarding Claim 5: Frimout discloses apparatus for recording as claimed in claim 4, wherein the means for generating the second time information is operable to generate time information of the event descriptors by modifying time information of event descriptors associated with the source signal **(paragraph 0039: Assuming a cell duration of one minute and a recovery duration of 0.5 to 1 seconds for each cell, a recording of two hours will take 60 to 120 seconds to be recovered).**

Regarding Claim 6: Frimout discloses apparatus for recording as claimed in claim 5, wherein the means for generating the second time information is operable to generate the time information of the event descriptors by compensating the time information of event descriptors associated with the source signal by a time gap associated with the recording discontinuity **(paragraph 0039: Assuming a cell duration of one minute and a recovery duration of 0.5 to 1 seconds for each cell, a recording of two hours will take 60 to 120 seconds to be recovered).**

Regarding Claim 7: Frimout discloses apparatus for recording as claimed in claim 5, wherein time information of the event descriptors comprise relative time information associated with a play time line (**paragraph 0039: Assuming a cell duration of one minute and a recovery duration of 0.5 to 1 seconds for each cell, a recording of two hours will take 60 to 120 seconds to be recovered**).

Regarding Claim 8: Frimout discloses apparatus for recording as claimed in claim 5, wherein apparatus further comprises means for extracting the event descriptors associated with the source signal from a transport signal comprising the source signal (**paragraph 0039: Assuming a cell duration of one minute and a recovery duration of 0.5 to 1 seconds for each cell, a recording of two hours will take 60 to 120 seconds to be recovered**).

Regarding Claim 9: Frimout discloses apparatus for recording as claimed in claim 4, wherein the event descriptor comprises a stream event comprising information for triggering an application (**paragraph 0029: the recovery control section 13 generates a private data stream defined to store incremental recording data structures on the disc**).

Regarding Claim 10: Frimout discloses apparatus for recording as claimed in claim 1, wherein the first play time information comprises a first play time line and the means for generating the second time information is operable to generate a non-continuous play time line associated with the recorded signal and having a time discontinuity corresponding to the recording discontinuity (**paragraph 0035: Based on the loaded**

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recovery sector, the recovery control section 13 detects the recorded pointer Pi to the preceding recovery sector R(i-1) in step S205).

Regarding Claim 13 and 15: Claim 13 and 15 reject for the same reason to claim 1 as discussed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Frimout as applied to claim 1-10 above, and further in view of Swenson et al. (US 6,064,380).

Regarding Claim 11: Frimout discloses an apparatus for recording as claimed in claim 1, further Frimout fail explicitly to teach wherein the source signal and the recording signal comprise Multimedia Home Platform (MHP); however Swenson et al. discloses “GUI presentation is typically designed and customized to present an attractive display and facilitate use of the computer interface by a user in making subsequent selections or executing selected functional aspects associated with the GUI presentation” .
(column 1 lines 45-55).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine the teaching of Swenson et al. into Frimout invention in

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order user have an option to customize a computer display; as a result user can able to create a bookmark during playback AV data.

Regarding Claim 12: Frimout discloses apparatus for recording as claimed in claim 1, further Swenson et al. discloses wherein the source signal and the recording signal comprise Digital Video Broadcast (DVB) data (**column 1 lines 10-27: internet or worldwide web**).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine the teaching of Swenson et al. into Frimout invention in order user have an option to customize a computer display using an interactive AV data accessing from external source; as a result user can able to create a bookmark during playback AV data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel Tekle/
Examiner, Art Unit 2481

/Peter-Anthony Pappas/
Supervisory Patent Examiner, Art Unit 2481